

HALL COUNTY BOARD OF SUPERVISORS MEETING NOVEMBER 14, 2006

The Hall County Board of Supervisors met November 14, 2006, by published call in the county board meeting room, 121 South Pine, Grand Island.

CALL TO ORDER - The meeting was called to order by Chairman James Eriksen.

INVOCATION - Invocation was given James Eriksen

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was given in unison.

ROLL CALL - Present on roll call were, Scott Arnold, Jim Eriksen, Richard Hartman, Bob Humiston, Bud Jeffries, Pamela Lancaster and Robert Rye. Also present was a representative from the *Grand Island Independent* and Deputy County Attorney Michelle Oldham.

NOTICE OF OPEN MEETING LAW – Chairman Eriksen read the notice of the open meeting law.

CONSENT AGENDA – Lancaster made a motion and Jeffries seconded to approve the following by consent agenda:

1. Accept and place on file the minutes of the October 31 meeting
2. 5a authorize the chair to sign the highway certification
3. 15 Approved the final plat and Resolution #06-0086 for Sundance Subdivision
4. 23 Placed on file the office reports from the County Clerk, County Sheriff, County Court and County Attorney and Juvenile Diversion
5. 24 Placed on file the Hall County Treasurer's Miscellaneous Receipts
6. 25 Placed on file communications as received
- 7.

Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

OFFICE REPORT
HALL COUNTY JUVENILE SERVICES
OCTOBER 2006

JUVENILE REFERRALS	42 JUVENILES
JUVENILE OFFENDERS	0 JUVENILE
JUVENILE HOUSE ARREST	0 JUVENILES
TOTAL UNDER SUPERVISION	260 JUVENILES
FEES COLLECTED	\$890.00

OFFICE REPORT
HOWARD COUNTY JUVENILE SERVICES
OCTOBER 2006

JUVENILE REFERRALS	0 JUVENILES
TOTAL JUVENILE ENROLLEES	14 JUVENILES
FEES COLLECTED FOR MONTH	\$200.00
TOTAL FEES COLLECTED FISCAL YEAR	\$1,600.00

OFFICE REPORT
HALL COUNTY CLERK
October 2006

TITLE FEES STATE	\$ 13,933.75
TITLE FEES COUNTY	\$ 7,387.25
RECORDING FEES	\$ 20.00
MARRIAGE LICENSES	\$ 375.00
PHOTO FEES/FAX FEES & MISC.	\$ 12..70
PLAT BOOKS/OTHER	\$ 49.50
CERTIFIED COPIES MARRIAGE LICENSES	\$ 130.00
CCERTIFIED COPIES MV	\$ 4.00
TIME CARD FEES	.00
RETURNED CHECKS	\$.00
TOTAL	<u>\$ 21,908.20</u>

OFFICE REPORT
COUNTY COURT
October 2006

FINES (CO.)	\$ 63,415.33
OVERLOAD FINES	200.00
REIMBURSE SHERIFF FEES	2,490.41
WORK RELEASE FEES	1,034.00
REIMBURSE FAX COPIES	16.00
FINES (CITY)	9,235.55
REIMBURSE WITNESS FEES	664.16
BOND FORFEITURES	2,494.05
REIMBURSE CO. FEES	285.50
TOTAL	\$79,835.00

OFFICE REPORT
HALL COUNTY SHERIFF
September 2006

TOTAL FEES MILEAGE & MISC	\$17,670.92
HANDGUN APPLICATIONS	35.00
TITLE INSPECTIONS	2,940.00
COPIES	49.00

7 AUDIT COMMITTEE RECOMMENDATION – DISCUSS AND TAKE ACTION ON REQUEST REGARDING EQUIPMENT IMPROVEMENT RESERVE FUNDS FOR COMPUTER DEPARTMENT – Lancaster stated that the audit committee met regarding a request to use the dollars in the equipment improvement reserve fund for another purpose. The dollars had been budgeted for the County Attorney to purchase some case management software but they have determined that they do not need these funds. The IT department is looking at upgrading the rover system for the law enforcement by using wireless modems on the computers in the vehicles. They are requesting to use these dollars to purchase 10 wireless modems for the sheriff's cars. This system is moving from using the towers to the wireless system and will provide 100% coverage.

IT Director Doug Drudik stated that there are 55 tower sites at this time and the equipment at these sites will not be needed and could be sold. He also stated that the maintenance on a wireless system will be a lot less.

Lancaster stated that the Sheriff's Department has more than ten cars but he may be able to find additional dollars in his budget to cover the rest of the units.

Jeffries noted that if they want to address safety issues after the recent rain a number of the board members received calls that the roads were impassable. When people cannot get down the road this needs to be addressed.

Arnold stated that the computer committee discussed this in length and when the attorney's office determined that they did not need these dollars, the committee felt that the dollars could be better used for this wireless project. If it were road department dollars it could be used for the roads.

Hartman also noted that the roads are in poor condition and the county is going to have to address this.

Arnold made a motion and Lancaster seconded to approve the audit committee recommendation to use the funds to purchase the 10 wireless modems. Arnold, Eriksen, Humiston, Jeffries, Lancaster and Rye all voted yes and Hartman voted no. Motion carried.

2a APPROVAL OF RESOLUTION GRANTING APPLICATION FOR CONDITIONAL USE PERMIT TO BOSSELMAN INC. – The public hearing was held regarding this permit and this is the resolution approving it. Lancaster made a motion and Arnold seconded to approve Resolution #06 – 0088 granting the conditional use permit for Bosselmans. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

2e DISCUSSION AND POSSIBLE ACTION REGARDING DRUG COURT

MEMORANDUM OF UNDERSTANDING WITH NEBRASKA SUPREME COURT –

Michelle Oldham stated that the State of Nebraska has agreed to fund salaries for Drug Court Personnel and the County needs to approve this memorandum. Arnold made a motion and Lancaster seconded to approve the memorandum of understanding. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

2d DISCUSSION REGARDING TERC CASE FILED BY PICCADILLY APARTMENTS –

Michelle Oldham stated that she wanted to make the County Board aware that she lives in the Piccadilly Apartments and she does not see a problem regarding the TERC case that has been filed. The County Board did not have any concerns.

3 PUBLIC PARTICIPATION – Chairman Eriksen called for public participation and no one responded.

6 DISCUSSION AND POSSIBLE ACTION REGARDING MIDLAND AREA AGENCY ON

AGING REQUEST FOR VEHICLE – Lancaster stated that the Midland Area Agency budget is tight and one of the board members discussed the possibility of lending a vehicle to Midland to use. Midland provides services to seniors on a sliding fee scale and they are subsidized by the State and Federal Governments. The board decided to bring this back to their respective county boards for discussion. Discussion was held and this will be referred to the committee to come back with a recommendation. Deputy County Attorney Michelle Oldham stated that she does have some concern regarding liability and insurance. This will be discussed by the committee.

9:30 4 BID OPENING – VAN FOR CORRECTIONS DEPARTMENT - One bid was received from Tom Dinsdale Chevrolet it was necessary that to have a particular type of van to be used for transporting inmates. Mr. Ruiz stated that they contracted several dealerships but did not get any other response. The following bid was received:

BIDDER	MAKE	TOTAL BID	DELIVERY
Tom Dinsdale Chevrolet	2007 Chevrolet Express 1500 Van	\$23,166.00	6 to 8 weeks
Grand Island, NE			

The bid was referred to the corrections steering committee and they will come back with a recommendation today.

9:40 a.m. held a board of equalization meeting.

2F INFORMATION REGARDING STAFF SECURE – Deputy County Attorney Michelle Oldham stated that the committee met and they are still in the process of determining what needs to be done. As of today Mid Plains will not be accepting juveniles. There are other facilities that are some distance away but they would like to negotiate the rates. They are trying to pursue a facility that will house juveniles overnight, but if it is over the weekend they would have to be transported to other facilities.

2b EXECUTIVE SESSION LITIGATION REGARDING TERC CASE AND EXECUTIVE SESSION TO DISUCSS POTENTIAL LITIAGATION REGARDING EMERGENCY

MANAGEMENT – Lancaster made a motion and Jeffries seconded to go into executive session for 2b and 2c.

Tracy Overstreet representative from the Grand Island Independent objected to the board going into executive session regarding emergency management and stated that she will only leave if she is forcibly removed.

Jeffries stated that if it is budget issues it should be discussed in open session but if it is litigation it should be in executive session.

Deputy County Attorney Michelle Oldham stated that this session addresses discussion regarding if the county wants to settle or take this issue to court.

Rye questioned how this would be any different that litigation on a TERC case.

Arnold also questioned why this would be in open session to discuss the process that the county is going to take on a case so every one would know what the county is going to do.

Hartman stated he may agree with the Independent and if the City owes the money they should pay.

Lancaster made a motion and Arnold seconded to go into executive session regarding the potential litigation regarding emergency management. The object to the executive session from Tracy Overstreet was noted. Arnold, Eriksen, Lancaster and Rye all voted yes and Hartman, Humiston and Jeffries voted no. Motion carried.

Chairman Eriksen asked every one to leave except Deputy County Attorney Michelle Oldham and the board members.

Tracey Overstreet request to stay during the executive session unless she is removed.

Arnold stated that he would call the Hall County Sheriff's Department to have her removed.

10:00 a.m. executive session regarding Emergency Management

10:10 a.m. Jeffries made a motion and Lancaster seconded to go out of executive session. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none

Deputy County Attorney Michelle Oldham stated that they received an offer to pay the county \$79,081.94 in settlement of the Emergency Management over payments. This represents 5 years of the difference in the fees the county paid and the actual expenses.

Arnold made a motion and Lancaster seconded to accept the settlement offer from the City of Grand Island.

Arnold expressed disappointment that the City would not honor the good will of the County and that it was necessary for the county to pursue the refund of the overpayment. He stated that in the future it may be necessary to file a law suit.

Jeffries stated that this has been going on for a number of years and expressed concern that the county could not go back farther because the same thing may have occurred. At this time the City is only legally bound to pay 5 years.

Eriksen noted that as the County goes forward it will be necessary to keep track of these issues and with the new committee it will need to be watched closer.

The vote on the motion to accept the settlement offer from the city was taken. Arnold, Eriksen, Humiston, Jeffries, Lancaster and Rye all voted yes and Hartman voted no. Motion carried.

2b EXECUTIVE SESSION TO DISCUSS LITIGATION REGARDING TERC CASE – Rye made a motion and Jeffries seconded to go into executive session regarding litigation on a TERC case to protect the public interest. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

10:10 a.m. executive session for TERC case.

10:16 a.m. Rye made a motion and Lancaster seconded to go out of executive session. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Deputy County Attorney Michelle Oldham stated that she received an offer from the attorney representing K Mart for a settlement of the 2005 and 2006 TERC case in the amount of \$3.3 million and she recommended that the board accept the offer for both years.

Hartman made a motion and Lancaster seconded to accept the recommendation and accept the proposed settlement figure for the 2005 and 2006 tax years. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

10:15 a.m. Held a Board of Corrections meeting.

Recessed the Board of Corrections meeting for the quarterly jail tour.

Arnold stated that the decision on the van will be delayed for two weeks and they will come back for a recommendation.

DISCUSSION ON CLAIMS – It was covered insufficient fund checks that were issued to the Clerk of the District Court's Office. These are old checks that had not been collected and it was the recommendation of the auditors to clear this up. They suggested that the claim could be paid from miscellaneous general miscellaneous line item to the justice account to balance out this account. Issues like this will be addressed in a different way in the future.

Humiston questioned why these checks could not be sent to a collection agency for collection the individuals still owe the money. Lancaster stated that this was the recommendation of the auditors.

16 COMMENCE AUDIT OF BI WEEKLY PAY CLAIMS AND REGULAR CLAIMS AND ACTION ON CLAIM AUDIT – The board members reviewed the claims. Lancaster made a motion and Jeffries seconded to approve the bi weekly pay claims and regular claims and authorize the clerk to pay. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and rye all voted yes and none voted no. Motion carried.

26 BOARD MEMBER'S REPORTS – Chairman Eriksen called for board member's reports or committee reports.

Lancaster reported that there will be a "Harvest Festival" at the Grand Generation Center November 19. This is to raise funds for the food pantry.

Jeffries – He reported that the Building and Grounds Department received a long list of requests for improvements at the Health and Human Services building. Howard Hasset is to meet with Deputy County Attorney Michelle Oldham to address the ADA compliance issues that will be necessary. Howard will be working on the other requests.

Hartman stated that there was a request to keep the gates of the park open all of the time because of the hike and bike trail but there was an agreement that the gates would be closed when the park is closed.

Eriksen asked if Hartman could attend the ground braking on the ethanol plant in Wood River and he stated that he would. Discussion was held on the railroad crossing that is to be closed and the portion of a road that will need to be closed. The public works committee will meet to address these issues.

Eriksen stated that County Government Day will be Monday November 20th and the Employee Recognition will be held Friday November 17th.

ROLL CALL FOR JAIL TOUR – the following board members will attend the quarterly jail tour Scott Arnold, Jim Eriksen, Bob Humiston, Bud Jeffries, Pamela Lancaster and Robert Rye.

Meeting adjourned the next meeting will be November 28 at 9:00 a.m.

Marla J. Conley Hall County Clerk